

### **REMARKS**

This responds to the Final Office Action mailed on November 10, 2009.

Claims 1, 18 and 61-62 are amended, no claims are canceled, and no claims are added in this communication. As a result, claims 1-18, 20-24, 32-48, 50-54 and 61-62 are now pending in this application.

#### **The Rejection of Claims Under § 103**

Claims 1-2, 6-17, 21-24, 32, 36-47, 51-54 and 61-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillman (U.S. Publication No. 2002/0147674) in view of Wellman (U.S. Patent No. 6,952,682) in further view of Tozzoli et al. (U.S. Patent No. 5,717,989, hereinafter, "Tozzoli")

Claims 3-4 and 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillman in view of Wellman, and Tozzoli as applied to claims 1 and 61 above and further in view of Force (U.S. Patent No. 6,704,716).

Claims 5 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillman, Wellman, and Tozzoli as applied to claims 2 and 32 above and further in view of Godin (U.S. Patent No. 5,890,138).

Claims 18 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillman, Wellman, and Tozzoli as applied to claims 17 and 47 above and further in view of Pepin (U.S. Publication No. 2002/0042835).

Claims 20 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillman, Wellman, and Tozzoli in view of Fickes (Fickes, Michael. "Waste Web". Waste Age. Overland Park: Aug. 2000. Vol. 31, Iss. 8, pg. SS6, 9 pgs.).

Applicant respectfully traverses the rejection. Applicant has amended independent claims 1, 61 and 62 respectively to recite in part "wherein if a batch of pre-orders are detected matching the at least one offer, the batch of pre-orders are set in a reserve state, and wherein a second transaction is performed when one of the batch of pre-orders is confirmed". This

amendment is fully supported by the Application, for example, FIG. 9 and corresponding language of the Specification (such as paragraphs 0062-0064).

Applicant is unable to find any parts of the cited references (Gillman, Wellman, Tozzoli, Force, Godin, Pepin or Fickes) that disclose the above-quoted limitation, as recited in amended independent claims 1, 61 and 62. Thus, even when combined as proposed by the Office Action, the cited references do not teach or suggest each and every limitation as recited in amended independent claims 1, 61 or 62. At least for this reason, amended independent claims 1, 61 and 62 (as well as their dependent claims) are not rendered obvious by the cited references.

Allowance of claims 1-18, 20-24, 32-48, 50-54 and 61-62 are thus respectfully requested.

Filing Date: July 31, 2001

Title: A METHOD AND SYSTEM TO FACILITATE PRE-ORDERING VIA AN ELECTRONIC COMMERCE FACILITY, AND  
AUTOMATICALLY TO FACILITATE SATISFYING OF A PRE-ORDER UPON LISTING OF AN APPROPRIATE OFFER VIA THE  
ELECTRONIC COMMERCE FACILITY

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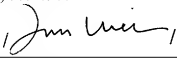
### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6966 to facilitate prosecution of this application. If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

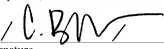
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Date 10 February 2010

By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10th day of February, 2010.

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